

**METROPOLITAN DEVELOPMENT COMMISSION
OF MARION COUNTY, INDIANA**

**CERTIFICATE OF LEGALLY ESTABLISHED NON-CONFORMING USE
Submission Requirements**

The Department of Metropolitan Development reviews applications for Certificate of Legally Established Non-conforming Use (LNCU) as a service to property owners. Any use of a particular parcel of land that is not permitted by the current zoning regulations applicable to that parcel is considered a “non-conforming use.” Generally, there are two ways to prove the legality of a non-conforming use: Method 1: Prove that the non-conforming use existed prior to April 8, 1969, has existed continually since that date with no more than a one-year break, and has not been the site of criminal activity or a public health or safety violation; or Method 2: Prove that the existence of the use or development standard(s) on the property pre-date the zoning ordinance section which now prohibits that use or development standard(s) on the property, and that the use or development standard(s) have been maintained without a one-year break. If either case is proven, an LNCU Certificate may be issued to legally establish the non-conformity.

Prior to submittal, an applicant is encouraged to become familiar with the General Regulations section of the applicable zoning ordinance related to review of non-conforming uses. This section is available in the Current Planning office, Suite 1821 of the City-County Building (317-327-5155).

REQUIRED SUBMITTAL MATERIAL

All of the following material is required to be submitted. Applications submitted without the required material will not be reviewed. Questions should be directed to the Planner-on-Call in the Current Planning Office at 317-327-5155.

1. **One completed Application** for Certificate of Legally Established Nonconforming Use, typewritten, signed by the owner of the subject property, or an authorized agent, and notarized.
2. **Legal description or recorded plat map of the property.** Plat maps may be obtained in the Marion County Recorder’s Office, Suite 741 of the City-County Building (317-327-4020). Highlight the property on the plat map.
3. **Detailed site plan**, drawn to scale, noting all buildings and improvements on the property. A current survey may be used, or see the accompanying “Site Plan” page for details on how to prepare a site plan.
4. **Real Estate Affidavit**, a form provided along with the Application for Certificate of Legally Established Non-conforming Use, preferably completed by someone other than the applicant or owner of the property.
5. **Zoning base map.** Copies of the current zoning base map and previous base maps are available in Suite 1821 of the City-County Building. Please highlight or circle the property that is to be considered for the LNCU certificate.
6. **Polk Directory pages and/or Haines Directory pages.** Reproduce information found in Polk Directory pages and/or Haines Directory pages pertaining to the address of the property under consideration. One page from each year, from either Polk or Haines, should be consulted in order to provide proof of whether the use has been continuous without a one-year break from prior to April 8, 1969 to the present (when using Method 1 in the first paragraph, above) or from the start date of your research to the present (when using Method 2, above). If photocopying the pages, highlight or underline the information. If creating your own list from the information found, add a statement

certifying that the information provided is a true representation of that found in the directories, and have the statement notarized. The Indiana State Library, 140 North Senate Avenue (317-232-3678), has a complete set of the directories. In limited cases (for example, when the use sought to be certified existed before the adoption of zoning in Indianapolis in 1922), this submission requirement may be waived.

7. **Township Assessor property cards (also known as “Buff Cards”).** This information may be obtained at the Assessor’s offices listed below. Some of the offices have cards from assessments from previous years. Submit cards for all years available.

Marion County Assessor	200 E. Washington St., Room 1360	317-327-4907
South District Office (Franklin, Perry, and Center townships)	5319 S. Emerson Ave., Suite D	317-327-4191
East District Office (Warren, Lawrence, and Center townships)	501 N. Post Rd., Suite B	317-327-8888
North District Office (Washington and Center townships)	2188 E. 54 th St.	317-327-4821
West District Office (Pike, Decatur, Wayne, and Center townships)	351 N. Transfer Dr.	317-273-4130

8. **Non-refundable filing fee and research fee.** Checks must be made payable to the “City of Indianapolis.”

\$299 for single- and two-family use and/or standards

\$479 for all other applications

IF staff must conduct research beyond the documents submitted as part of the LNCU application, a research fee of \$40 per quarter hour (\$80 minimum) will be assessed, as allowed by the Rules of Procedure of the Metropolitan Development Commission.

SUGGESTED SUPPLEMENTAL MATERIAL

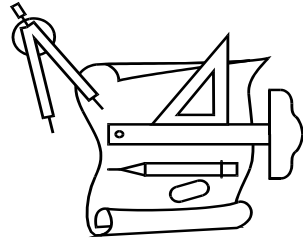
The following sources may yield important information about land use history and should be researched. Submitting only the minimum documentation required above may not be enough to substantiate the non-conforming status. It is the responsibility of the applicant to provide sufficient evidence; therefore, it is strongly urged that thorough and exhaustive research be conducted.

- **Variance/Rezoning petitions.** This information may be obtained in Suite 1821 of the City-County Building. Helpful clues may be obtained by checking zoning petitions for adjacent properties.
- **Improvement Location Permits, building permits, sign permits.** This information may be obtained at the Department of Code Enforcement at 1200 Madison Avenue, Suite 100 (317-327-8700).
- **Indianapolis Historic Preservation Commission documents.** For those properties located within a locally designated Historic Preservation District within Marion County, the records and collections of the Commission, Suite 1801 of the City-County Building (317-327-4406) may provide useful historical information regarding the use of the site or its improvements.
- **Recorded instruments or documents.** Recorded documents are located in the Office of the Marion County Recorder, Suite 741 of the City-County Building (317-327-4020). Include any documents that relate to the history of the use of the property, such as contracts and liens.

- **Sanborn Fire Insurance Maps.** The Sanborn maps are available only for properties located within the original city limits of Indianapolis. These maps give detailed information about lots and land use. The Indiana State Library, 140 North Senate Avenue, has copies of Sanborn maps from the late 1800s to the mid 1900s. Sanborn maps from 1956, and from prior years, are located in the Microfilm Archives Division located in the sub-basement of the City-County Building, Suite SB31 (317-327-4962).
- **Floor or building plans** (original/as-built, historic, current) with verifiable date.
- **Licenses (Liquor, Merchant, etc.)** This information is found in the Office of the City Controller, Suite 2222 of the City-County Building (317-327-4310). Include any documents that relate to transactions that have occurred on, or in regard to, the affected property at any time since the use began.
- **Business records, rent receipts, financial records, bills (utility, construction, etc.), and tax statements.** This information may give insight as to when a non-conforming use began and may be available from utility companies, current or former tenants, or creditors. The financial amounts may be blackened out for privacy, if you wish.
- **Affidavits.** Written affidavits from neighbors, present or past property owners or tenants, or anyone who may have knowledge of the non-conforming use, are used to supplement primary evidence. These affidavits must be notarized, legible, and include the telephone number and address of the affiant. As an alternative, each person may fill out a copy of the Real Estate Affidavit provided along with the LNCU application. This Real Estate Affidavit must be notarized.
- **Photographic evidence.** This may include newspapers, periodicals, publications, aerial photographs, or other image documentation. Photographs have limited value unless a verifiable date is included. Contact the Indiana Historical Society, 450 West Ohio Street (317-232-1882), for historic aerial photographs.

Tips on how to find,
develop or create a

Site Plan



What is a Site Plan ?

it is a bird's-eye view of the property and what is on it or proposed to be on it.

Sometimes, a site plan is called a plot plan.

While a site plan drawn by an architect, engineer or surveyor is not required, the information must be accurate.

Much of the necessary information needed to draw a site plan can be gleaned

from a mortgage survey.

Any original plat documents should also be consulted. Plat documents can be found at the Recorder's Office (7th floor City-County Building) and sometimes copies of these documents can be found at the Township Assessor's office. ■

Helpful information
can be found at the
City of Indianapolis'
website:
www.indy.gov

Economic
Development Portal &
the Indy Site Finder:
<http://imaps.indy.gov/ed/>

Mapping tools:
www.indy.gov/gis

City-County Code:
www.municode.com

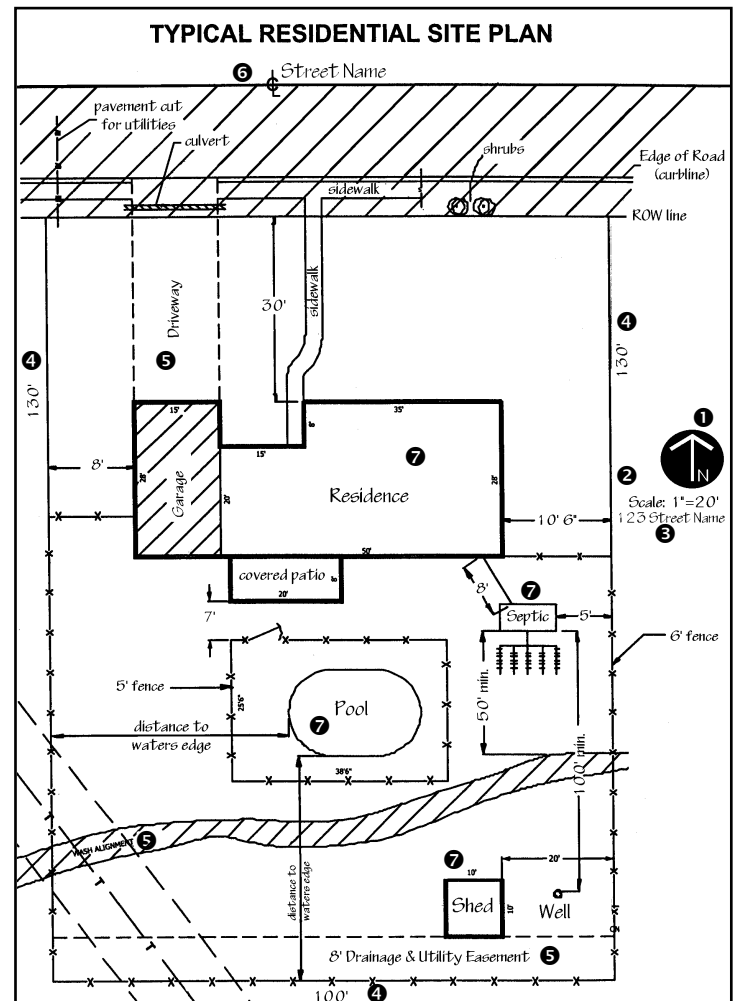
Zoning Information:
www.indy.gov/cp

A site plan is a scaled drawing illustrating the actual measurements of a parcel of land, the size and location of any existing or proposed structures, the location of the parcel in relation to abutting streets, and other such information. In simpler terms,

Basic Elements of a Site Plan

There are basic elements to every site plan:

- 1 North arrow,
 - 2 Scale to which the plan is drawn,
 - 3 Address of the property,
 - 4 Boundaries of the parcel of land with dimensions,
 - 5 Location of any easements, water features, or drives.
 - 6 Centerline of the adjoining streets,
 - 7 Outline of all structures, labeled with dimensions and with the distance to the nearest boundary. Examples include: septic system, fences, pools, wells, decks, driveways, sidewalks, sheds, parking areas, and utility locations. Indicate existing or proposed.
- Frequently, landscaping and trees are included on the site plan. If they are not included, a separate landscape plan may be necessary. ■



Department of
Metropolitan
Development
Division of Planning
Current Planning Section

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